5840983/2022/TW-LTR-SOW01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TW Dept., – LTR - Sri Surla Chittabai, S/o. Narasimhamurthy and other, R/o. Lagarai (V) Rajavommangi (M), East Godavari District - Revision Petition filed under the provisions of A.P.S.A.LT.R.1959 as amended by 1/70 - Land in Survey Nos. 9/2, 72/2 and 87/2 to an extent of Ac. 12.58 situated at Lagarai (V) Rajavommangi (M), East Godavari District – Dismissed - Orders - issued.

SOCIAL WELFARE (TW.LTR-2) DEPARTMENT

G.O.Ms.No.23 **Dated: 19.04.2022**

Read the following:-

1. LTR.No.192/2004, orders issued by the Special Deputy Collector, Rampachodavaram, East Godavari District, dated. 23.12.2004 on the petition filed by the Sri Vaddi Venkata Ramana, Lagarai (V), Rajavommangi Mandal .

2. C.M.A.No. 137/2005, orders issued by the Addl. Agent to Govt., Rampachodavaram, East Godavari District, dated. 06.04.2009 on the appeal filed by Sri Vaddi Venkata Ramana, Lagarai (V), Rajavommangi Mandal .

3. Revision Petition filed by Sri Surla Chittabai, S/o. Narasimhamurthy and other, R/o Lagarai (V) Rajavommangi (M), East Godavari District , dt.24.12.2013.

4. Govt. Memo. No.7814/LTR-2/2009, dated. 07.08.2009.

5. From the Addl. Agent to Govt., Rampachodavaram, East Godavari District, dated: 04.01.2013.

6. Govt.Lr.No. 15026/85/LTR-2/2018, dated. 02.03.2022.

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ORDER:

1. In the reference 1st read above, Sri Vaddi Venkata Ramana, Lagarai (V), Rajavommangi Mandal has filed a complaint before the Special Deputy Collector, Rampachodavaram, East Godavari District, under Section 3 (1) of the APSALTR 1 of 1959 as amended by Regulation 1 of 1970 for restoration of the Petition Scheduled land in favour of Government after ejecting the respondents in East Godavari District.

(P.T.O.)

2. Based on the said petition, the Special Deputy Collector, Rampachodavaram, East Godavari District has issued dismissal orders vide LTR.No.192/2004, dated: 23.12.2004 and petition claim is rejected under section 3 (1) of the Andhra Pradesh State Area Land Transfer Regulation Act 1/1959, as amended by the Regulation 1 of 1970 for restoration of the Petition Scheduled land in Survey Nos. 9/2, 72/2 and 87/2 to an extent of Ac. 12.58 situated at Lagarai (V), Rajavommangi (M), East Godavari District.

3. Aggrieved by the above orders, Sri Vaddi Venkata Ramana, Lagarai (V), Rajavommangi Mandal, East Godavari District has filed an appeal petition before the Project Officer, ITDA/Additional Agent to Government, Rampachodavaram, East Godavari District under Rule 8(2) of AP Scheduled Areas Land Transfer Rules 1/1969.

4. In the reference 2nd read above, the Project Officer, ITDA / Additional Agent to Government, Rampachodavaram, East Godavari District being the lower appellate authority in C.M.A.No.09/2011, dated. 31.10.2013 has set aside orders passed by the Special Deputy Collector (TW), Rampachodavaram in respect of total lands in Survey Nos. 9/2, 72/2 and 87/2 to an extent of Ac. 12.58 situated at Lagarai (V) Rajavommangi (M), East Godavari District is contrary to law and not valid under APSALTR 1 of 1959 as amended by 1 of 1970 and directed to the Tahasildar, Rajavommangi Mandal is here by directed to eject the non-tribal respondents or any other people bound by this order from the said lands and restore the same to Govt. for onward assignment to eligible tribes.

5. In the reference 3rd read above, Sri Surla Chittabai, S/o. Narasimhamurthy and other, R/o Lagarai (V), Rajavommangi (M), East Godavari District has filed Revision Petition before the Government under the provisions of A.P.S.A.L.T.R., 1959 against the orders passed by the Project Officer, ITDA/Additional Agent to Government, Rampachodavaram, East Godavari District in C.M.A.No. 09/2011, dated. 31.10.2013 to the land in Survey Nos. 9/2, 72/2 and 87/2 to an extent of total Ac.12.58 situated at Lagarai (V) Rajavommangi (M), East Godavari vide the reference 2nd read above.

6. The Revision Petition filed by Sri Surla Chittabai, S/o. Narasimhamurthy and other, R/o. Lagarai (V), Rajavommangi (M), East Godavari District and other, Government while admitting the same have called for parawise remarks along with connected case records from the Additional Agent to Government, Rampachodavaram, East Godavari District in the reference 4th read above.

7. The Addl. Agent to Govt. (P.O., I.T.D.A.), Rampachodavaram, East Godavari District has furnished the Para-wise remarks along with connected case records on 04.01.2013 in the reference 5th read above.

8. In the reference 6th read above, both the parties and their councils were called for the hearings. Accordingly, hearings were conducted on 12.03.2022. The Special Deputy Collector, Rampachodavaram and the Council for the petitioner have attended the hearing and upon perusing the records/ evidences/ grounds filed by the Revision Petitioners, the Appellant Authority have come to the conclusion and opined/ observed that:

- During the course of hearing of the case it is argued the as per the grounds in the Revision Petition and stated that no prohibitory transfer involved in the present case and the revision petitioner stated that the Schedule Land is in possession of tribal as such there is no contravention but as seen from the record that the land belongs to non-tribal and there is contravention.
- On verification of the grounds in Revision Petition, the documents and written arguments and Para wise remarks as well as the other documents and material available on the record it is noticed that the revision petitioner failed to produce any document in support of his case and failed to discharge his burden as per regulations. The finding of lower authority needs no interference.
- That taking consideration of the above and the material available on the record that it can be concluded that the lower authority passed the order as per law which does not deserve any interference and accordingly the same is hereby upheld and the revision petition is hereby dismissed.

9. After careful examination of the Revision Petition, Government in exercise of the powers U/s (6) of APSALTR 1/59 as amended by 1/70 do hereby order for ejection of respondents from petition scheduled land and for restoration of the same to the Government for on ward assignment to the eligible tribes.

10. The Collector & District Magistrate, East Godavari District, Kakinada is requested to take necessary action in the matter accordingly and **acknowledge the receipt of the case records, which are returned herewith.**

11. This order shall be published in apegazette.cgg.gov.in.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KANTILAL DANDE
SECRETARY TO GOVERNMENT

To
(1) The Collector & District Magistrate, East Godavari District, Kakinada, PIN 533001. (w.e)

(2) The Additional Agent to Govt. cum Project Officer, ITDA, Rampachodavaram, East Godavari District. PIN-533288

(3) The Special Deputy Collector, Rampachodavaram, East Godavari District. PIN-533288.
(4) The Tahsildar, Rajavommangi Mandal (M), East Godavari District.

(5) Sri Kola Satya Prasad, Advocate,
Near RTC Bus Stand, Rampachodavaram,
East Godavari District – 533288.

(6) Sri Surla Chittabai, S/o. Narasimhamurthy
R/o. Lagarai (V),
Rajavommangi (M),
East Godavari District.

(7) Sri Surla Venkata Ramana, S/o. Narasimhamurthy
R/o. Lagarai (V),
Rajavommangi (M),
East Godavari District.

Copy to:

(7) The P.S. to Hon'ble Dy. Chief Minister (TW)
(8) The P.S. to Secretary (TW)
(9) The Director Printing, Stationary (for publication in the AP Gazette)
(10) SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER

19/4/22